
**APPEALS BOARD
UTAH LABOR COMMISSION**

RONDA METZLER,

Petitioner,

vs.

**UTAH DEPARTMENT OF ALCOHOLIC
BEVERAGE CONTROL and WORKERS
COMPENSATION FUND,**

Respondents.

**ORDER REVERSING
ALJ'S DECISION**

Case No. 04-0929

The Utah Department of Alcoholic Beverage Control and its insurance carrier, Workers Compensation Fund (referred to jointly as "DABC" hereafter), ask the Appeals Board of the Utah Labor Commission to review Administrative Law Judge Sessions' award of benefits to Ronda Metzler under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Annotated).

The Appeals Board exercises jurisdiction over this motion for review pursuant to Utah Code Annotated §63-46b-12 and §34A-2-801(3).

BACKGROUND AND ISSUE PRESENTED

Ms. Metzler seeks workers' compensation benefits from DABC for medial epicondylitis,¹ ulner nerve damage and carpal tunnel syndrome allegedly caused by her work at DABC. After an evidentiary hearing on Ms. Metzler's claim, Judge Sessions awarded disability compensation and medical benefits to Ms. Metzler for the foregoing medical conditions.

In requesting Appeals Board review of Judge Sessions' decision, DABC concedes liability for Ms. Metzler's epicondylitis, but contends there is no evidence establishing a medical causal connection between Ms. Metzler's work at DABC and her ulnar nerve and carpal tunnel problems.

FINDINGS OF FACT

While working for DABC on June 8, 2003, Ms Metzler lifted a box of wine overhead in order to remove it from a stack of such boxes. The box tipped and forced Ms. Metzler's arms back, resulting in immediate right arm pain.

¹ This condition, sometimes referred to as "tennis elbow," is defined by *Dorland's Illustrated Medical Dictionary*, 27th ed., as an "inflammation of the epicondyle or of the tissue adjoining the epicondyle of the humerus."

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On June 12, 2003, Dr. Mattson diagnosed Ms. Metzler with chronic medial epicondylitis secondary to her work. On July 8, 2003, Dr. Mattson suggested that Ms. Metzler "may want to get a release of her epicondyle." On July 16, 2003, Dr. Mattson advised that Ms. Metzler "may not work (under any restrictions) until . . . after she has elbow surgery."

Dr. Mattson saw Ms. Metzler again on September 2, 2003. He continued her restriction against work for three more weeks but did not mention the need for surgery. On December 4, 2003, Dr. Mattson reported that Ms. Metzler continued to have pain but was somewhat improved. Dr. Mattson also opined that Ms. Metzler should be retrained for a different occupation because she would experience "recurrent or chronic medial epicondylitis" if she returned to work at DABC.

On or about February 10, 2004, Ms. Metzler underwent various nerve conduction tests. On May 6, 2004, Dr. Mattson noted the results of the nerve conduction tests and stated "[i]t looks as if she definitely has carpal tunnel syndrome, possible ulnar neuropathy, and that would coincide with her symptoms." Dr. Mattson did not opine that Ms. Metzler's work accident at DABC had caused these conditions. During June 2004, Ms. Metzler underwent right cubital and right carpal tunnel release surgery.

On October 20, 2004, Ms. Metzler filed an application for hearing with the Commission to compel DABC to pay workers' compensation benefits for medial epicondylitis, ulner nerve damage and carpal tunnel syndrome. On November 18, 2004, DABC filed an answer that specifically denied liability for Ms. Metzler's ulnar nerve and carpal tunnel conditions because they "were not medically caused by the subject accident." Likewise, on April 15, 2005, six months prior to the evidentiary hearing in this matter, DABC submitted pretrial disclosures that included the following:

5. The specific defenses we will litigate are: Medical causation. Is Petitioner's current upper extremity condition (including recent diagnosis of ulnar nerve damage and/or carpal tunnel syndrome), medically caused by the subject accident?

....

8. Other issues: Has Petitioner made a *prima facie* case to demonstrate medical causation for her current condition?

At the evidentiary hearing, Ms. Metzler did not submit any additional medical evidence to establish a causal connection between her work at DABC and her ulnar nerve and carpal tunnel conditions.

DISCUSSION AND CONCLUSIONS OF LAW

Section 34A-2-401 of the Utah Workers' Compensation Act requires employers to pay benefits to workers injured by accident arising out of and in the course of employment. In this case, DABC has accepted liability for Ms. Metzler's medial epicondylitis and has paid medical and disability benefits for

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that condition. DABC has denied liability for Ms. Metzler's ulnar nerve and carpal tunnel conditions on the grounds that her work at DABC was not the medical cause of those problems.

In Allen v. Industrial Commission; 729 P.2d 15, 27 (Utah 1986), the Utah Supreme Court defined the requirements for proof of medical causation in workers' compensation cases:

Under the medical cause test, the claimant must show by evidence, opinion, or otherwise that the stress, strain, or exertion required by his or her occupation led to the resulting injury or disability.

Thus, it was Ms. Metzler's burden in this case to submit evidence that her work at DABC medically caused her ulnar nerve and carpal tunnel problems. Furthermore, DABC's answer and pretrial disclosures specifically notified Ms. Metzler that DABC intended to raise medical causation as a defense to her claim. Nevertheless, the Appeals Board's review of the evidence does not disclose evidence that can be reasonably viewed as proving the necessary causal connection between Ms. Metzler's work at DABC and her ulnar nerve and carpal tunnel problems. The Appeals Board also notes that Ms. Metzler has not submitted a response to DABC's motion for review.

In light of the foregoing, the Appeals Board concludes that Ms. Metzler has not met her burden of proving medical causation as to her ulnar nerve and carpal tunnel conditions. Her claim for workers' compensation benefits for those conditions, therefore, must be denied. In light of DABC's admission of liability for Ms. Metzler's epicondylitis, the Appeals Board concludes that Ms. Metzler was entitled to workers' compensation benefits for that condition. Those benefits have already been paid.

ORDER

The Appeals Board sets aside Judge Sessions' decision and denies Ms. Metzler's claim for workers' compensation benefits for her ulnar nerve and carpal tunnel syndrome. It is so ordered.

Dated this 23rd day of April, 2007.

Colleen S. Colton, Chair

Patricia S. Drawe

Joseph E. Hatch